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Attorneys for Defendants Polo Ralph Lauren
Corporation; Polo Retail, LLC; Polo Ralph Lauren Corporation,
doing business in California as Polo Retail Corporation; and
Fashions Outlet of America, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANN OTSUKA, an individual and on behalf
of all others similarly situated; JANIS
KEEFE, an individual; CORINNE PHIPPS,
and individual; JUSTIN KISER, an
individual; and RENEE DAVIS,

Plaintiff,

v.

POLO RALPH LAUREN CORPORATION;
POLO RETAIL, LLC; POLO RALPH
LAUREN CORPORATION, DOING
BUSINESS IN CALIFORNIA AS POLO
RETAIL CORPORATION; AND
FASHIONS OUTLET OF AMERICA, INC.,

Defendants.

Case No. C07-02780 SI

**DECLARATION OF WILLIAM J. GOINES
IN OPPOSITION TO PLAINTIFFS'
REQUEST FOR ORDER PERMITTING
NOTICE TO CLASS**

Judge: Hon. Susan Illston
Ctmm: 10, 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

1 I, William J. Goines, declare:

2 1. I am an attorney duly licensed to practice before all courts of the State of California
3 and the United States District Court, Northern District of California. I am a shareholder in the law
4 firm of Greenberg Traurig, LLP, attorneys of record for Defendants Polo Ralph Lauren Corporation;
5 Polo Retail, LLC; Polo Ralph Lauren Corporation, doing business in California as Polo Retail
6 Corporation; and Fashions Outlet of America, Inc. (the "Polo Defendants"). I have been primarily
7 responsible for the representation of the Polo Defendants in this matter. I have personal knowledge
8 of the facts stated herein.

9 2. On or about July 14, 2008, Plaintiffs served Plaintiffs' Request for Production of
10 Documents to Defendants Polo Ralph Lauren Corporation, Polo Retail, LLC and Fashions Outlet of
11 America, Inc. (the "Requests"). This was the second request for production of documents and the
12 Requests consist of 108 separate categories of documents. I immediately forwarded the Request to
13 representatives of the Polo Defendants and started working with various Polo employees to identify
14 and gather potentially responsive documents. Included among the Requests was Request No. 33,
15 which requested: All DOCUMENTS reflecting contact information (e.g., names, addresses, phone
16 numbers, and email addresses) for CLASS MEMBERS. The initial response to the Request was due
17 on August 18, however, an extension of time was granted until August 25, and then a second
18 extension of time was granted until August 28, 2008.

19 3. Many of the documents that have been requested in the Requests date back to mid-
20 2002. As a result, I have worked with numerous Polo personnel to attempt to determine what
21 systems needed to be accessed to locate potentially responsive documents. I have discussed the
22 Requests with Patrick Kitchen on numerous occasions and outlined the time frames necessary to
23 gather responsive information as well as the various factors involved in the process. Initially, Mr.
24 Kitchen expressed a desire to obtain payroll data (hours worked) as soon as possible so that we could
25 engage in a constructive mediation which is now currently scheduled for November 4, 2008. This
26 information is primarily obtained from Polo's point of sale system, however, I have learned that since
27 mid-2002, Polo had used three (3) different systems to track and gather hours worked. Later, Mr.
28 Kitchen requested that I expedite getting the class contact information (last known addresses), which,

1 again, requires significant Polo personnel time in looking at various databases to extract the
2 information. I advised Mr. Kitchin that we have been working on this diligently and expect to have
3 contact information of the class members by early September 2008. At no time have we delayed
4 looking for this information, as implied by Patrick R. Kitchin. I have weekly calls with members of
5 the Polo staff in New York and New Jersey, who are working on gathering the payroll data, as well as
6 the last known contact information.

7 4. During the course of our discussions, I advised Mr. Kitchin that we have researched
8 the issue of providing social security information of the class members and that my research reveals
9 that we must object to the provision of social security numbers as the right of privacy of Polo's
10 former employees is at interest.

11 5. On or about August 8, 2008, I received Mr. Kitchin's letter of August 8, 2008,
12 including a proposed Notice of Pendency of Class Action ("Notice"). Following its receipt, I advised
13 Mr. Kitchin in a telephone conversation that I had not had an opportunity to review the proposed
14 Notice and thereafter filed a Motion for Decertification of a portion of the class related to rest breaks.
15 That Motion was filed on August 18, 2008 and is scheduled to be heard on October 10, 2008. It is
16 my view that it would be premature to send notice to the class until the Motion for Decertification is
17 heard.

18 I declare under penalty of perjury under the laws of the State of California that the foregoing
19 is true and correct. Executed at East Palo Alto, California, this 25th day of August, 2008.

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21 Dated: August 25, 2008.

22 /s/ William J. Goines
23 William J. Goines
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